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TAGS: [UNSC](#) [PREL](#) [PHUM](#) [PHSA](#) [EWWT](#) [KCRM](#) [SO](#) [XA](#) [XW](#)
SUBJECT: SOMALIA PIRACY: DEMARCHE REQUEST ON UN ROLE ON
COMBATTING PIRACY

REF: A. STATE 85798
[1](#)B. USUN NY 648
[1](#)C. USUN NY 697

(SBU) 1. This is an action request. USUN is instructed to demarche the Department of Political Affairs and Office of Legal Affairs Senior Staff as appropriate to deliver the USG position on different UN proposals to become more involved in combating piracy off the coast of Somalia. Post may draw from background in paragraphs 3-9 to achieve the objectives in paragraph 2.

OBJECTIVES

(SBU) 2. USUN should pursue the following objectives:

-- Relay USG appreciation for UN's role in suppressing piracy off the coast of Somalia, including its role in the Contact Group on Piracy off the Coast of Somalia (CGPCS);

-- Express our interest in the prompt establishment of an International Trust Fund (ITF) to support piracy prosecution, and to be administered by the UN Development Program (UNDP);

-- Note our interest in the several different UN piracy proposals and Assistant Secretary-General Menkerios, suggestion to form an additional Working Group of the CGPCS focusing on "land-based solutions to piracy," but relay the USG preference for keeping the CGPCS focused on the piracy problem and dealing with the "root causes" of piracy in other venues like the International Contact Group (ICG) on Somalia;

-- Encourage the Office of Legal Affairs (OLA) to work with UN Office of Drugs and Crime (UNODC), and as appropriate, the International Maritime Organization (IMO), United Nations Interregional Crime and Justice Research Institute (UNICRI), and other UN organizations to encourage the development of mechanisms to assist in the tracking and forfeiture of financial assets either belonging to pirates or used to finance piracy operations.

-- Urge increased communication between the UN "focal point" for coordinating UN efforts on piracy and the CGPCS, and propose that a representative of the UN "focal point" participate in all CGPCS working group and plenary sessions. We hope the UN focal point could also prevent overlap and duplication among UN agencies regarding their counter-piracy initiatives.

BACKGROUND - PARTICIPATION IN THE CONTACT GROUP

(SBU) 3. In New York City on January 14, 2009, representatives of 28 countries and six international organizations agreed to form the Contact Group for Piracy off the Coast of Somalia. No process or mechanism was agreed upon by which aspirant countries might seek to participate in

CGPCS plenary and working group meetings (Ref A). On May 29, 2009 the CGPCS plenary issued a communique stating "the CGPCS is a group of countries and organizations with a common interest in eliminating the scourge of piracy from the Gulf of Aden and Somali Basin.⁸

(SBU) 4. The United States promotes the concept of "participation" in the CGPCS rather than "membership." Therefore, the United States wishes to make known our intent to open all CGPCS fora chaired by the United States to any UN member state wishing to participate, with an important caveat. It would be inappropriate to engage in CGPCS fora with any nation subject to country-specific measures imposed by the United Nations Security Council (UNSC) for maritime-related misconduct (smuggling, trafficking, piracy, or related crimes) or subject to UNSC resolutions authorizing inspection of maritime cargo related to proliferation activities or other criminal activity. Iran, North Korea, and Somalia are currently subject to such sanctions; however, the United States will continue to encourage the participation of Somalia, which is both the primary source and a major victim of piracy in the region, and whose participation in the CGPCS is critical to the efforts of the CGPCS to combat piracy in the region. While the United States recognizes that other chairs may not agree with this approach, we will continue to advocate to other chairs for participation by any country that meets the above criteria. We anticipate that Japan, which will chair the fourth CGPCS plenary in New York City on September 10, will apply the same criteria. USUN should respond to inquiries about CGPCS participation by asking that the interested parties contact the chair of the meeting(s) they wish to attend.

BACKGROUND - UN PROPOSALS

(SBU) 5. UN agencies already participate in the CGPCS, and various agencies have also put forth proposals to address piracy.

-- The UN Secretariat has been an observer in CGPCS plenaries since the inaugural meeting on January 14, 2009.

-- The UN Department of Political Affairs (DPA) and the International Maritime Organization (IMO) participate in the CGPCS. DPA participates in the CGPCS and Working Group (WG) 2 on judicial issues. The IMO participates in Working Group (WG) 1 (on military coordination, information sharing, and capacity building) and WG 3 (on shipping self-awareness and other capabilities), and is coordinating efforts to implement the Djibouti Code of Conduct. The U.S. chairs WG 3.

-- UN Office of Drugs and Crime (UNODC) performs a secretariat role for WG 2. UNODC also has several outstanding proposals to help develop judicial capacity in regional states (i.e. Kenya, Djibouti, Tanzania, Oman, Yemen, as well as Somaliland and Puntland). The European Commission has pledged \$2.3 million to the UNODC proposal to develop judicial capacity in Kenya, and the U.S. has pledged \$250,000 for UNODC anti-piracy assistance programs.

-- The UN Political Office for Somalia (UNPOS) has been providing some support to the Egyptian chaired working group on public diplomacy/public affairs (WG 4). UNPOS has put together a proposal asking for \$500,000 for the next six months to implement Working Group 4's communication strategy. The USG has already taken steps to implement elements of the communication strategy through elements of our public diplomacy programs.

-- UN Interregional Crime and Justice Research Institute (UNICRI) is seeking funding for its own set of proposals, many of which duplicate efforts already undertaken elsewhere.

-- The UN Country Team for Somalia (based in Kenya) has put forward a series of proposals to address the "root causes" of piracy, and DPA has proposed creating an additional Working

Group of the CGPCS to seek land-based solutions to piracy.

U.S. Response

(SBU) 6. The USG is appreciative of the UN's efforts to contribute to the suppression of the problem of piracy off the Somalia coast. During a meeting with Deputy UN Legal Advisor Taskoe-Jensen, Department Officials encouraged OLA to focus on strengthening the domestic legal capacity of states to prosecute suspected pirates. We would welcome OLA's participating in WG2 of the CGPCS. OLA should contact the Danish chair about attending future meetings.

(SBU) 7. The SYG in his March report pursuant to resolution 1846, stated UNPOS would be the "focal point" for all UN activities related to piracy, but we understand that the UN Department of Political Affairs (DPA) has since taken over this role. We believe a UN focal point to coordinate activities among all UN entities and facilitate communication between them and the CGPCS would be extremely useful. A UN focal point would also be helpful in preventing duplication among UN agencies regarding counter-piracy initiatives. We would urge the UN to have a representative of the UN focal point attend all CGPCS and WG meetings.

(SBU) 8. The U.S. believes that an International Trust Fund (ITF) will be a useful vehicle for non-state actors such as industry and special interest groups to contribute to anti-piracy initiatives such as offsetting the cost of prosecuting pirates in regional states and building the judicial capacity of regional states to suppress piracy. We understand that Germany is working with the UN regarding a proposal to establish an ITF for piracy, and the U.S. looks forward to receiving the proposal. The USG would support the UNDP administering the fund. We do note, however, that the IMO has already set up a special trust fund to implement regional capacity building programs set forth in the Djibouti Code of Conduct, and to which Japan has contributed \$15M. We hope these two efforts, as the IMO has assured us, can continue to be deconflicted so they do not duplicate efforts and compete for the same pool of limited resources.

(SBU) 9. During the May plenary of the CGPCS, A/SYG Menkerios also proposed the formation of an additional Working Group to examine "land-based solutions to piracy." It is our understanding that this proposal would focus on providing alternative livelihoods to Somali youth vice kinetic operations against pirates ashore. The CGPCS asked the UN to develop a proposal to deliver to the next plenary for its consideration. We very much look forward to reviewing this report. We hope, however, that any proposal would not duplicate or interfere with efforts by other groups working on this important issue. While we recognize piracy is a symptom of the instability, poverty, and lack of rule of law ashore, we feel strongly that the CGPCS should focus exclusively on combating piracy and leave alternative livelihood and other development projects for the UN Country Team in Somalia, the International Contact Group on Somalia, and others already working toward this goal.

-- The concept of an informal multilateral venue of likeminded countries to share information on mapping the financial infrastructure of pirates and disrupting their supporting networks has been discussed among several countries and met with notable support. The U.S. is coordinating with the UK on developing a notional agenda to present at the September 10 CGPCS plenary that could serve as a platform for an initial multilateral meeting.

If Raised

-- Some in the CGPCS have recommended that the UN Secretariat fulfill a secretariat role to the CGPCS. A/SYG Menkerios, however, was clear at the last CGPCS meeting in May that they

would need additional resources to perform this duty. The
USG will not agree to the use of assessed contributions to
support this Secretariat function. We are willing to
continue to perform this function as a national contribution
to the overall effort. Should the UN be able to raise
sufficient voluntary contributions to finance this
Secretariat function, or should the CGPCS arrive at a
consensus on other alternatives, the USG would be willing to
revisit this issue.

DEADLINE AND POC

(SBU) 10. USUN should report back any reaction for the UN by
September 5, 2009. Point of Contact at the Department of
State is Trina Saha, SahaTD@state.gov, 202-647-2641. PM PDAS
Tom Countryman will be in New York City September 9-10 to
consult with USUN and UN senior staff and would welcome
post,s views on the above points and related issues.
CLINTON